

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

SHENG-WEN CHENG,

Plaintiff,

v.

JEREMY MAULTZ,

Defendant.

Case No. 3:23-cv-05324-TMC

ORDER TO SHOW CAUSE

This matter comes before the Court on its own motion. On October 19, 2023, Plaintiff Sheng-Wen Cheng's service of his complaint on Defendant Jeremy Maultz was returned due to Mr. Maultz's death. Dkt. 32. On October 26, 2023, the Court directed Mr. Cheng to file a status report no later than December 11, 2023, informing the court whether he would proceed with this case considering Mr. Maultz's death. Dkt. 33. On December 18, 2023, and January 3, 2024, the Court received letters from Mr. Cheng (Dkt. 35, 36) which it liberally construed as motions to amend his complaint (Dkt. 37) in light of Mr. Maultz's death (Dkt. 32, 33). Accordingly, on January 5, 2024, the Court directed Mr. Cheng to file a formal motion for leave to amend his complaint along with a copy of his proposed amended complaint no later than February 5, 2024, in compliance with Federal Rule of Civil Procedure 15 and Local Civil Rule 15. Dkt. 37, 38.

1 As of February 8, 2024, Mr. Cheng has not filed any formal motion or demonstrated his  
2 intent to proceed with this case.

3 Plaintiffs have a general duty to prosecute their claims. *See Fid. Phila. Tr. Co. v. Pioche*  
4 *Mines Consol., Inc.*, 587 F.2d 27, 29 (9th Cir. 1978) (citing *Boudreau v. U.S.*, 250 F.2d 209 (9th  
5 Cir. 1957). To “prevent undue delays in the disposition of pending cases and to avoid congestion  
6 in the calendars of the District Courts,” federal courts may exercise their inherent power to  
7 dismiss a case of their own accord for a plaintiff’s failure to prosecute. *See Link v. Wabash R.*  
8 *Co.*, 370 U.S. 626, 629–31 (1962); *see also Hells Canyon Pres. Council v. U.S. Forest Serv.*, 403  
9 F.3d 683, 689 (9th Cir. 2005) (finding that courts may dismiss cases *sua sponte* pursuant to Rule  
10 41(b) for failure to prosecute).

11 The Court therefore ORDERS Mr. Cheng to show cause as to why this case should not be  
12 dismissed without prejudice for failure to prosecute no later than February 22, 2024; for the  
13 avoidance of doubt, the Court will dismiss this case without prejudice if Mr. Cheng fails to  
14 respond by this deadline. The Clerk is directed to send uncertified copies of this Order to all  
15 counsel of record and to any party appearing pro se at said party’s last known address.

16 Dated this 8th day of February, 2024.

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19 Tiffany M. Cartwright  
20 United States District Court Judge  
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